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DEPARTMENT OF ADMINISTRATION  
Information Technology Services Division

**State of South Dakota**

**State Radio**

*Bureau of Information &  
Telecommunications*

02/11/2011

Scott Bradford, Chairman  
Region 25 Planning Committee  
PO Box 52, Mitchell Building  
Helena, MT 59620-0113

**RE: Letter of Concurrence**

Dear Scott:

Please be advised that Region 38 700 Mhz Planning Committee has reviewed the Region 25 700 Mhz Plan and grants its concurrence as you submit you final Plan to the Federal Communications Commission (FCC).

Thank you for forwarding the Region 25 700 Mhz Plan for our review.

Sincerely,

Todd Dravland, Chairman  
Region 38 700 Mhz Planning Committee



**Inter-Regional  
Procedures for Resolution of Disputes  
That May Arise Under FCC Approved 700 MHz Plans**

**I. INTRODUCTION**

This is a mutually agreed upon Inter-Regional Procedures for Resolution of Disputes Agreement by and between the Region 25 700 MHz Planning Committee and the adjacent Region 38 700 MHz Planning Committee.

**II. INTER-REGIONAL COORDINATION**

The following are the specific procedures for inter-regional coordination which are agreed upon by Region 25 and Region 38 and which will be used by the Regions for frequency coordination:

- a. An application filing window is opened or the Region announces that it is prepared to begin accepting applications on a first-come/first serve basis.
- b. Applications by eligible entities are accepted.
- c. An Application filing window (if this procedure is being used) is closed after an appropriate time interval.
- d. Inter-regional review and coordination takes place, including a technical review resulting in assignment of channels.
- e. After intra-regional review, a copy of those frequency-specific applications requiring adjacent Regional approval, including a definition statement of proposed service area, shall then be forwarded to the adjacent Region(s) for review <sup>1</sup>. This information will be sent to the adjacent Regional chairperson(s) using the CAPRAD database or by e-mail.
- f. The adjacent Region reviews the application. If the application is approved, a letter of concurrence shall be sent via the CAPRAD database or by e-mail to the initiating Regional chairperson within thirty (30) calendar days.

**III. Dispute Resolution**

- a. If the adjacent Region(s) cannot approve the request, the adjacent Region shall document the reasons for partial or non-concurrence and respond within ten (10) calendar days via e-mail. If the applying Region cannot modify the application to satisfy the objections of the adjacent Region, a working group comprised of representatives of the two regions shall be convened within thirty (30) calendar days to attempt to resolve the dispute. The working group shall report its findings within thirty (30) calendar days to the Regional chair persons e-mail (CAPRAD database). Findings may include but not be limited to:
  - (i) Unconditional concurrence;
  - (ii) Conditional concurrence contingent upon modification of the applicant technical parameters; or,
  - (iii) Partial or total denial of proposed frequencies due to inability to meet co-channel/adjacent interference free protection to existing licenses within the adjacent Region;

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<sup>1</sup> If an applicant's proposed service area or interference contour extends into an adjacent Public Safety Region(s), the application must be approved by the affected Region(s). Service area shall normally be defined as the area included within the geographical boundary of the applicant plus three (3) miles. Interference contour shall normally be defined as a 5 dBu co-channel contour or a 60 dBu adjacent channel.

If the Inter-Regional Working Group cannot resolve the dispute, the matter shall be forwarded for evaluation to the National Plan Oversight Committee (NPOC). Each Region involved in the dispute shall include a detailed explanation of its position including engineering studies and any other technical information deemed relevant. The NPOC will, within thirty (30) calendar days, report its recommendation(s) to the Regional chairpersons via the CAPRAD database. The NPOC's decision may support either of the disputing Regions or it may develop a proposal that it deems mutually advantageous to each disputing Region.

#### **IV. Contingencies:**

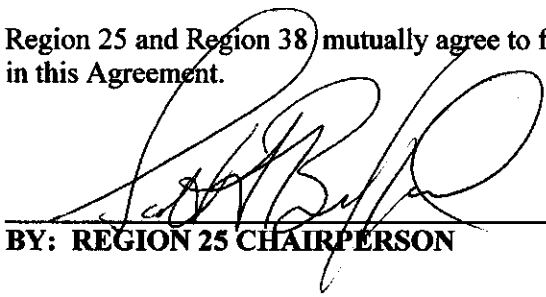
- a. Where adjacent Region concurrence has been secured and the channel assignments would result in no change to the Region's currently Commission approved channel assignment matrix, the initiating Region may advise the applicant(s) that their application may be forwarded to a frequency coordinator for processing and filing with the Commission.
- b. Where adjacent Region concurrences have been secured and the channel assignments would result in a change to the Region's currently Commission approved channel assignment matrix, the initiating Region shall file with the Commission a Petition to Amend their current Regional Plan's frequency matrix reflecting the new channel assignments with a copy of the Petition sent to the adjacent Regional chairperson(s).

#### **V. Notification:**

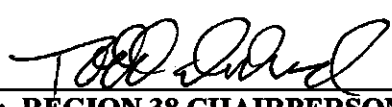
- a. Upon Commission issuance of an Order adopting the amended channel assignment matrix, the initiating Regional chairperson will send a courtesy copy of the Order to the adjacent Regional chairperson(s) and may then advise the applicant(s) that they may forward their applications to the frequency coordinator for processing and filing with the Commission.

#### **VI. Signature:**

Region 25 and Region 38 mutually agree to follow the inter-regional dispute resolution procedures stated in this Agreement.

  
BY: REGION 25 CHAIRPERSON

2/15/2011  
Date

  
BY: REGION 38 CHAIRPERSON

02/11/2011  
Date